

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**SUBJECT:** Utility Conversion of City Public Service (CPS) Facilities - Prue Road West Elementary School

**DATE:** April 21, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes City Public Service (CPS) to appropriate funds in the amount of \$689,000 from the CPS Overhead Conversion Fund for the relocation/conversion of overhead electrical supply lines to underground in connection with the Prue Road West Elementary School, located in Council District 8.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

In 1993, the CPS Board of Trustees adopted a resolution to amend the CPS Budget by establishing a permanent fund to finance the conversion of overhead utility lines to underground operation. On June 19, 1995, the CPS Board of Trustees adopted a resolution to expand the definition of eligible projects financed by the utility conversion fund to include those that relocate and/or redesign existing or planned overhead transmission and/or distribution facilities for aesthetic purposes. This same resolution expanded the eligible costs of projects financed by this fund to include expenses for certain services and administrative expenditures by the City of San Antonio incidental to project selection and implementation, and to include certain work on individual customers' property to convert service through and including the meter loop conversion. This resolution prohibits the use of these funds for the costs of any utility conversion except those of CPS.

The Unified Development Code (UDC) currently requires that the establishment of Utility Conversion Districts (UCD) include mechanisms to identify and designate the specific corridors and areas to be modified, to determine the nature of improvements in each such corridor or area, and requires the various utility companies to implement these projects as parts of public works or civic improvement projects as directed by City Council.

Under the requirements of the current UDC, City staff shall prepare a list of projects that have citywide implications proposed for declaration as Utility Conversion Districts. Citizens, City Council, developers and other interested entities such as the Texas Department of Transportation and the Metropolitan Planning Organization may recommend projects for inclusion in this list.

Upon City Council approval of the list of proposed projects, a public hearing shall be held to bring forward the City Council's intent to create the Utility Conversion Districts. The number of districts established shall be limited to the amount of funding available in the CPS Conversion Fund.

Following the adoption of a Resolution of Intent to Establish Utility Conversion Districts, adjacent and affected property owners shall be notified, and neighborhood public meetings will be held. The Zoning Commission will hold a public hearing and make recommendations to City Council regarding the UCD. The Planning Commission will also consider the substance of the proposed UCD and make recommendations to City Council. Following receipt of the recommendations of the Zoning and Planning Commissions, City Council shall adopt an ordinance as an amendment to Section 35-3709 of the Unified Development Code. The ordinance adopting the amendment to Section 35-3709 shall also declare that implementation of the utility improvements is required for the public health, safety and general welfare, and that the project constitutes a public works or civic improvement project of the City within the meaning of the utility franchise and municipal fee agreements.

However, due to changes in Texas legislation, municipal franchise agreements with telecommunications utilities have become obsolete. Therefore, telecommunications companies have argued that they do not have to relocate their lines to accommodate Underground Conversion Districts and will not participate in the creation of same. Due to these changes, and to the need to move underground conversion projects forward, this project is being presented for approval outside the UDC process.

This ordinance adds the utility conversion in connection with the Prue Road West Elementary School to the existing approved projects list. The conversion to underground utilities in this area will enhance aestheticism and property values. This conversion project has the concurrence of the City Councilman as evidenced by the memo included herein as Attachment 2.

Upon approval of this Ordinance CPS shall be notified, and project design shall commence.

### **POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to enhance the visual appearance and visitor appeal of the City's visitor attractions, scenic views and urban corridors, to promote economic development and revitalization, increase the value of commercial and residential properties, and to improve the quality of life of the residents of San Antonio.

### **FISCAL IMPACT**

This item has no financial impact for the City of San Antonio. The current balance in the CPS Conversion Fund is \$37,787,082.86. Funds in the amount of \$689,000 are available from the CPS Utility Conversion fund and are authorized payable for relocation of utilities to underground in connection with the Prue Road West Elementary School project.

## COORDINATION

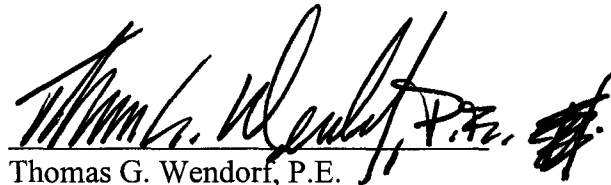
This request for ordinance has been coordinated with the Office of Management and Budget, the City Attorney's Office, the Finance Department and City Public Service.

## SUPPLEMENTARY COMMENTS

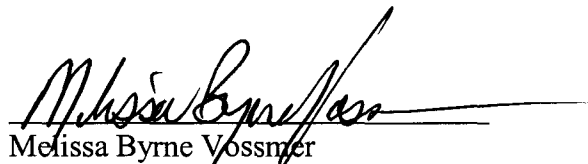
A Discretionary Contracts Disclosure Form is not required.

## ATTACHMENTS

1. Project Map
2. Memo to City Councilmember Art A. Hall, District 8
3. Letter from NISD



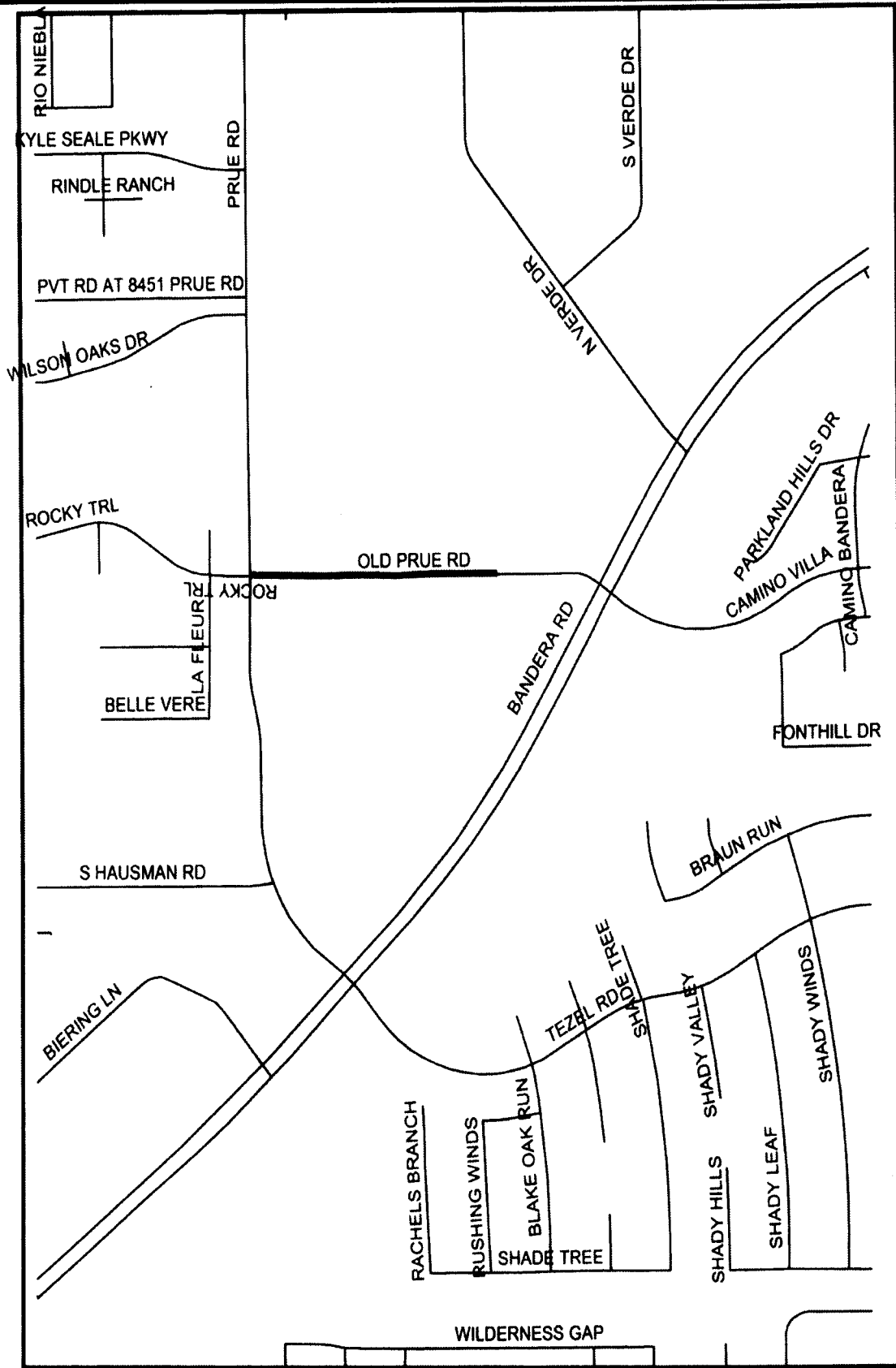
Thomas G. Wendorf, P.E.  
Director of Public Works



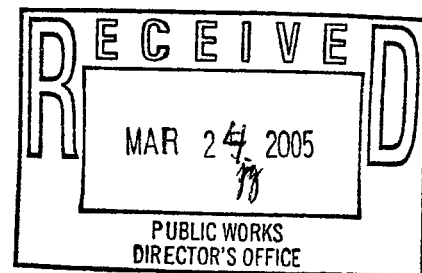
Melissa Byrne Vossmer  
Assistant City Manager



J. Rolando Bono  
Interim City Manager



CITY OF SAN ANTONIO  
Public Works Department



Interdepartmental Correspondence Sheet

**TO:** Councilmember Art A. Hall - District 8,  
through Melissa Byrne Vossmer, Assistant City Manager

**FROM:** Thomas G. Wendorf, P. E., Director of Public Works

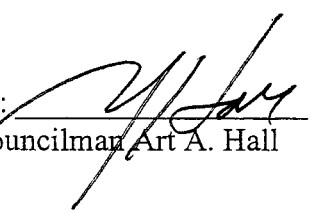
**COPIES TO:** Douglas W. Yerkes, Ph.D., P.E., City Engineer William E. Krause, Capital  
Programs Manager

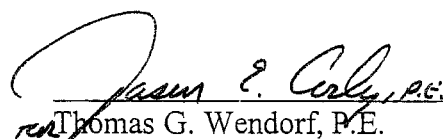
**REF:** Northside Independent School District  
Prue Road West Elementary School

DATE: March 18, 2005

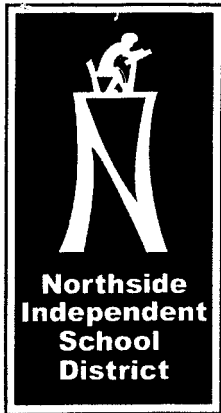
City Public Service has completed their cost estimate for their underground utility conversion at the Prue Road West Elementary School. The estimated cost of this work is \$664,000 for underground installation and \$25,000 for the removal of the existing overhead power lines. The total cost of this project is \$689,000. Funding for this work will come from the City Public Service Underground Conversion Fund. There are sufficient funds in the Underground Conversion Fund to cover the cost of this project. At this time there are other aerial utilities in this area and any costs related to relocating those utilities will be assumed by the Northside Independent School District as outlined in the attached letter. We are seeking your concurrence to get this project on the April City Council Agenda.

The facilities and operations department of this agency has requested the creation of this underground conversion district. Should you have any questions or comments, please contact Leopoldo P. Cervantes, P.E. Assistant Capital Programs Manager at 207-6084.

Concur:   
City Councilman Art A. Hall

  
Thomas G. Wendorf, P.E.  
Director of Public Works

TGW/lpc



**Jim Martin**  
Assistant  
Superintendent  
for  
Facilities &  
Operations

December 6, 2004

Polo Cervantes  
Assistant Capital Projects Manager  
City of San Antonio  
114 W. Commerce  
San Antonio, Texas 78212

RECEIVED  
DEC 10 2004  
CITY OF SAN ANTONIO  
PUBLIC WORKS, CAPITAL PROGRAMS

**Re: Northside Independent School District  
Prue Road West Elementary School  
Request for CPS Conversion of Overhead Utilities**

Dear Mr. Cervantes:

The Northside Independent School District (NISD) intends to construct a new elementary school near the intersection of Prue Road and Old Prue Road in a rapidly growing area of northwest San Antonio (City Council District 8). The purpose of the school's construction and choice of its site location is to provide relief for several surrounding elementary schools which are nearing student capacity spawned by rapid growth. The construction of the new school is a long term community investment for our children and will serve to contribute to the economic growth of the City of San Antonio. NISD is providing funds for widening of the road, and the addition of turning lanes, and new sidewalks, all at the request/requirements of the City's Development Services Department.

This letter is our formal request for consideration and approval from the City Council via your office, for conversion of existing C.P.S. overhead facilities to underground facilities through the use of the City Public Service Conversion Fund. NISD is coordinating diligently with C.P.S. on facility adjustments for this site and anticipates their concurrence with this process should it be approved by City Council. It is our understanding that C.P.S. will be compensated for conversion adjustments through this fund administered by your department.

NISD is currently coordinating facility adjustments with the other affected utilities in the area as well, namely Time Warner Cable (T.W.C.) and Southwestern Bell Corporation (S.B.C.). NISD will be responsible for compensating T.W.C. and S.B.C. for their adjustments and is not and will not request funding assistance from the City.

We have included exhibits showing geographic location, an aerial photograph of the site and proposed roadway improvements to Old Prue Road which are the driving force for this process. The justification for the request for underground conversion of CPS facilities is to:

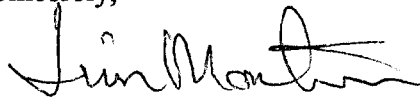
1. Eliminate any direct overhead utility conflicts with the proposed roadway improvements to Old Prue Road;

5900 Evers Road  
San Antonio, Texas  
78238-1699  
Tel: 210.397.1215  
Fax: 210.257.1212  
[www.nisd.net](http://www.nisd.net)

2. Reduce the unsightly appearance of overhead poles in front of the school campus;
3. Safeguard the students, faculty and general public from a dangerous downed power line event.

We appreciate the opportunity to utilize this process and will work diligently towards a positive outcome. NISD is committed to exemplifying its position as a good corporate citizen for the City of San Antonio. If you have any questions, please do not hesitate to contact Joe Martin, P.E., Director of Engineering Services for NISD at 397-1240.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Martin", with a stylized flourish at the end.

Jim Martin  
Assistant Superintendent for Facilities and Operations

Cc: Chris Brady, Assistant City Manager, City of San Antonio  
Vernon Dunagin, AIA, Exec Director of Construction & Engineering  
Joe Martin, P.E. Director of Engineering Services  
Henry Acosta, Civil & Site Improvement Project Manager  
Bill Peters, Compliance Officer  
Mike Cude, M.W. Cude Engineers, LLC